

# Implementation Guidance

## OAR 660-012-0440

### Parking Reform Near Transit



**OREGON**  
Department of  
Land Conservation  
& Development

DLCD and LCDC developed the Climate-Friendly and Equitable Communities rules to support communities taking action to meet Oregon’s climate pollution reduction targets, while providing more housing and transportation choices and improving equity.

DLCD is providing this resource as part of our technical assistance program. Please see our website at [www.oregon.gov/lcd/CL/Pages/CFEC](http://www.oregon.gov/lcd/CL/Pages/CFEC) for more information or to sign up for notices.

### Application and Deadline for Action (Section 1)

Section (1)(a) states the rule applies to all cities in Oregon’s eight metropolitan areas.

Per Section (1)(a) and OAR 660-012-0400, the rule applies to portions of counties in a metropolitan area within an urban growth boundary, where the population of the unincorporated area within the urban growth boundary is 5,000 or more, and the area is served with urban water and sanitary services. The department believes this currently includes only Clackamas, Marion, and Washington counties.

OAR 660-012-0012(5)(e) requires cities and counties to implement requirements when reviewing development applications submitted after December 31, 2022. That deadline is not eligible for extension.

Section (1)(b) of the rule is a reminder communities without parking mandates have no requirements under this rule, as it is about reducing parking mandates.

### Section 2

Section (2) prohibits requiring parking spaces for developments with lands within  $\frac{3}{4}$  mile of a rail transit stop. The department considers “rail transit stop,” as used in this context, to apply to rail service designed to meet everyday transit needs. This includes MAX light rail, streetcar, and WES services, but not Amtrak passenger rail, historic, tourist, or seasonal rail operations.

### Section 3

Section (3) prohibits enforcing parking mandates for developments with lands within  $\frac{1}{2}$  mile of designated or functional frequent transit corridors. Frequent service is relative to local conditions. The rule lists three types of corridors:

*(a) Priority transit corridors designated under OAR 660-012-0710;*

As rule 0710 is a new rule, this subsection has no effect until cities have designated “priority transit corridors” under the OAR 660-012-0710(1)(a), through a major or minor Transportation System Plan update.

This provision does not directly apply to existing transit corridors local governments or transit providers have previously identified (such as TriMet’s Frequent Service map). It will apply when the local transportation system plan is updated to designate the identified corridors as priority transit corridors for the purposes of OAR 660-012-0710. However, communities may choose to do parking reform in these corridors, and these areas are likely covered under subsection (b).

*(b) Corridors with bus service arriving with a scheduled frequency of at least four times an hour during peak service;*

The department considers “bus service” in this context to be service from a “bus,” a rubber-tired automotive vehicle used primarily for the purpose of providing mass transportation service. “Arriving with a scheduled frequency” indicates a regular schedule. The department recommends local governments apply this provision based on regular published schedules that include at least one hour during the day where four buses along the corridor are scheduled to arrive.

Transit service schedules sometimes change. The department recommends local governments coordinate with their local transit providers to determine which routes are most likely to have or maintain frequent service into the future to avoid future changes in which areas are affected by this rule. This can be helpful to transit providers and local builders of housing, who sometimes make plans years into the future.

The language states the *corridor* has bus service, so a place where two bus routes in different corridors intersect, resulting in a single intersection or bus stop with a qualifying number of arrivals, would not be included. Corridors where routes run together for a length of time where the services together combine into frequent service should be included.

Transit routes that have a qualifying service frequency on a portion of the route, where some runs are scheduled to terminate prior to the end of the route should be included for the portion of the route with a qualifying level of service.

Department staff are available and willing to review transit line schedules and assist in identifying applicable corridors. Depending on resources, department staff may be able to help map the corridor, in coordination with local transit providers.

The measurement is to the corridor rather than the stop, in contrast with section (2).

*(c) Corridors with the most frequent transit route or routes in the community if the scheduled frequency is at least once per hour during peak service.*

This provision only applies if a community has no corridors qualifying under subsection (b), as those corridors would be the most frequent. This provision applies to the most frequent transit route(s) in a community if there are least two transit vehicles scheduled to arrive on the same transit route no more than 60 minutes apart.

Again, the measurement is to the corridor rather than the stop.

## **Section 4**

Section (4) permits local governments to either use a straight-line or walking distance for distances required in this rule. The department recommends local governments determine one method and use it consistently.

## **What Do Cities and Counties Have to Do?**

Cities and counties may apply the state standard directly or may amend their local codes with the new parking standards.

Cities and counties should decide and be clear on whether they will use straight-line or walking distance to measure distances during development review, and the points they will use to measure the corridor (from road edge, or other). These are discretionary decisions, but should be consistent.

## **Model Language for Development Code**

A community may want to put these parking requirements directly into its code. Code language will vary in each community's parking code language and parking table. Department staff are available to review your community's code and suggest language for consideration.

## **Clarification: Parking Mandates for ADA, Carpool, Vanpool, Trucks Allowed**

The rules allow communities to have parking mandates for ADA parking, carpool, vanpool and truck parking. This is a result of the definitions in 660-012-0005(27) and (29).

## **Best Practice: Parking to Serve People with Disabilities**

ORS 447.233(2)(a) limits the ability of local governments to require more off-street ADA parking than in statute and the building code. Local governments may require one off-street ADA space for public-serving buildings where no off-street spaces are provided.

The department recommends cities and counties ensure people with disabilities have access to parking spaces, and nothing in the rules sets limits on this.

Communities may designate on-street spaces for such parking where limited off-street parking is provided, designate spaces in public lots, sponsor spaces in private lots, encourage builders to provide spaces, ensure existing ADA spaces are well-enforced, or mandate one ADA space where no other spaces are provided. Communities should consider the [design requirements](#) for ADA van parking in street and sidewalk design. People with disabilities should be engaged when designing changes to existing parking layouts, allocations or streetscapes.

## **Resources and Contact Information**

Evan Manvel, Climate Mitigation Planner

[evan.manvel@dlcd.oregon.gov](mailto:evan.manvel@dlcd.oregon.gov)

971-375-5979

## **Disclaimer**

This document aims to provide more details about the rules, and how the department intends to administer the rules. Nothing in this document should be construed as Oregon Administrative Rules. A current copy of the adopted Transportation Planning Rules should be acquired from the [Oregon Secretary of State](#) and used to fulfill planning requirements.

## **Rule Language: OAR 660-012-0440**

- (1) This rule applies to cities and counties that:
  - (a) Are within a metropolitan area; and
  - (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.
- (2) Cities and counties may not require parking spaces for developments on a lot or parcel that includes lands within three-quarters mile of rail transit stops.
- (3) Cities and counties may not enforce parking mandates for developments on a lot or parcel that includes lands within one-half mile of frequent transit corridors, including:
  - (a) Priority transit corridors designated under OAR 660-012-0710;
  - (b) Corridors with bus service arriving with a scheduled frequency of at least four times an hour during peak service; and
  - (c) Corridors with the most frequent transit route or routes in the community if the scheduled frequency is at least once per hour during peak service.
- (4) Cities and counties may use either walking distance or straight-line distance in measuring distances in this rule.